

AMENDED IN SENATE MAY 6, 2003

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL**

**No. 511**

**Introduced by Senator Figueroa**

February 20, 2003

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An act to add Article 10.3 (commencing with Section 25214.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 511, as amended, Figueroa. Mercury lamp recycling.

(1) Existing law prohibits the management of hazardous waste, except in accordance with the hazardous waste laws. Under existing law, the Department of Toxic Substances Control (department) is authorized to exempt, until January 1, 2003, by regulation, a hazardous waste management activity from the requirements of the hazardous waste control law if the regulation governs a specified type of hazardous waste, including hazardous waste lamps, identifies the hazardous waste as a universal waste, and amends specified existing regulations of the department. A violation of the hazardous waste control laws is a crime.

This bill would enact the California Mercury Lamp Recycling Act of 2004 and would require every manufacturer of a mercury-containing fluorescent lamp sold in the state to submit a plan, by June 30, 2004, to the department that ensures, by January 1, 2006, that all mercury-containing fluorescent lamps sold by that manufacturer will be collected, transported, and recycled in accordance with all applicable state laws or are disposed *of* at a hazardous waste facility issued a hazardous waste facilities permit by the department. The bill would

require the manufacturer to pay a fee set by the department to pay the costs of reviewing the plan and would require the fees to be deposited in the Hazardous Waste Control Account for expenditure by the department, upon appropriation by the Legislature, for conducting that review. The bill would require the department to approve a plan if it contains specified elements, including requiring that, on and after January 1, 2005, 50% of the mercury-containing fluorescent lamps sold by that manufacturer in this state are recycled or are disposed of at a hazardous waste facility. The bill would require the department to review all plans submitted and would require a manufacturer, by July 1, 2004, to implement the collection and recycling system developed in the approved plan, as specified.

The bill would prohibit a manufacturer, ~~or wholesaler, or retailer~~ from selling ~~to a retail seller in this state, or for use by a consumer in this state,~~ a lamp manufactured after November 30, 2003, that contains mercury that was added during the manufacture of that lamp, unless the lamp meets specified *labeling* requirements ~~regarding the labeling and packaging of that lamp, except as specified. The bill would also prohibit a retail seller from knowingly selling to a consumer in this state such a lamp, unless the lamp is so labeled and packaged.~~ The bill would require the manufacturer to affix the label ~~but if the label is not affixed in accordance with this requirement, the bill would require the wholesaler or retail seller to affix the label before selling the lamp.~~

The bill would prohibit any person from transporting mercury-containing lamp waste out of the state, unless the waste is transported to a mercury recycling facility issued a permit pursuant to the federal Resource Conservation and Recovery Act of 1976 (RCRA).

Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



*The people of the State of California do enact as follows:*

SECTION 1. Article 10.3 (commencing with Section 25214.9) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 10.3. California Mercury Lamp Recycling Act of 2004  
25214.9. The Legislature finds and declares all of the following:

(a) Mercury is a persistent and toxic pollutant that bioaccumulates in the environment and in the food chain.

(b) Due to the bioaccumulation of mercury and other contaminants in fish, the California Environmental Protection Agency has issued a warning advising that adults, and women who are pregnant or who may become pregnant, should limit their fish intake from several state waterways.

(c) At present, all fluorescent lamps contain mercury. The California Environmental Protection Agency classifies mercury-containing fluorescent lamps as hazardous waste when discarded.

(d) Commencing January 1, 2006, regulations adopted pursuant to this chapter prohibit the disposal of mercury-containing fluorescent lamps in solid waste landfills.

25214.10. (a) For purposes of this article, the following definitions apply:

(1) “Mercury-containing lamp waste” means the bulb or tube portion of an electric lighting device that is used in a fluorescent or high intensity lighting device, and that is no longer fit for its intended use as a lamp or is discarded.

(2) “Plan” means a plan submitted to the department pursuant to Section 25214.11 to establish a system for the collection, transportation, and recycling of mercury-containing fluorescent lamps.

(3) “Retail seller” means a person who sells, or offers for sale, mercury-containing fluorescent lamps in a retail sale, as defined in Section 6007 of the Revenue and Taxation Code.

(b) This article shall be known, and may be cited, as the California Mercury Lamp Recycling Act of 2004.

1 25214.11. (a) On or before June 30, 2004, every  
2 manufacturer of a mercury-containing fluorescent lamp sold in the  
3 state shall submit a plan to the department that ensures, by January  
4 1, 2006, that all mercury-containing fluorescent lamps sold by that  
5 manufacturer in this state are collected, transported, and recycled  
6 in accordance with all applicable state laws or are disposed of at  
7 a hazardous waste facility issued a hazardous waste facilities  
8 permit by the department pursuant to Section 25200. The plan  
9 shall include that on or after January 1, 2005, ~~that~~ 50 percent of the  
10 mercury-containing fluorescent lamps sold in this state by the  
11 manufacturer are recycled or are disposed of at a hazardous waste  
12 facility. The manufacturer shall pay a fee set by the department to  
13 pay the costs of reviewing and approving the plan, which shall be  
14 deposited in the Hazardous Waste Control Account and may be  
15 expended by the department, upon appropriation by the  
16 Legislature, for conducting that review. The department shall  
17 approve a plan if the plan contains all of the following elements:

18 (1) The plan identifies either an existing or new collection  
19 system through which the used lamps can be returned for recycling  
20 or disposed of as hazardous waste. The plan describes how the  
21 manufacturer will use the existing infrastructure for recycling  
22 mercury-containing fluorescent lamps.

23 (2) The plan identifies a funding mechanism through which the  
24 manufacturer will fund the collection system and provides that the  
25 manufacturer is responsible for paying all costs to implement the  
26 system with regard to all of mercury-containing lamps sold by that  
27 manufacturer in the state.

28 (3) The plan provides that all collection and recycling under the  
29 collection system is conducted in a manner that prevents the  
30 release of mercury into the environment.

31 (4) The plan describes the manufacturer's efforts to reduce and  
32 eventually eliminate the amount of mercury in its fluorescent  
33 lamps.

34 (5) The collection system identified in the plan includes all of  
35 the following:

36 (A) A public education program to inform the public about the  
37 purpose of the collection program and how to participate in the  
38 collection system.

39 (B) A plan for implementing and financing the collection  
40 system.

(C) Documentation of the commitment of all necessary parties to implement the proposed collection system.

(D) A description of performance measures to be utilized and reported by the manufacturer to demonstrate that the collection system is effective.

(E) A description of additional or alternative actions that will be implemented to improve the collection system and its operation if the collection system is not effective.

(6) If the manufacturer manufactures a lamp required to be labeled pursuant to Section 25214.12, the plan requires the implementation of a public education campaign in the state to educate consumers on the meaning of the label and how to properly dispose of lamps that are labeled.

(b) The department shall review all plans submitted pursuant to subdivision (a) and may require changes in the plan before approving the plan as suitable for implementation.

(c) On or before July 1, 2004, a manufacturer shall implement the collection and recycling system developed in a plan submitted to the department pursuant to subdivision (a). A manufacturer shall begin implementation of its submitted plan immediately after submittal, during the time that the department is reviewing the plan. After its plan is approved by the department pursuant to subdivision (b), the manufacturer shall implement the collection and recycling system developed in the approved plan.

~~25214.12. (a) (1) A manufacturer or wholesaler may not sell to a retail seller in this state, or for use by a consumer in this state,~~

*25214.12. (a) Except as provided in subdivision (d), a manufacturer, wholesaler, or retailer may not knowingly sell in this state a lamp manufactured after November 30, 2003, that contains mercury that was added during the manufacture of that lamp, unless the lamp is labeled and packaged in accordance with subdivision (b).*

~~(2) A retail seller may not knowingly sell to a consumer in this state a lamp manufactured after November 30, 2003, that contains mercury that was added during the manufacture of that lamp, unless the lamp is labeled and packaged in accordance with subdivision (b).~~

~~(b) A lamp subject to subdivision (a) shall comply with both of the following conditions:~~

~~(1) A label shall be affixed on the lamp that meets all of the following requirements:~~

~~(A) The label clearly informs the purchaser or consumer that mercury is present in the item and that the item may not be disposed of or placed in a waste stream destined for disposal until the mercury is removed and reused, recycled, or otherwise managed to ensure that it does not become part of solid waste or wastewater.~~

~~(B) The label is durable and is expected to last the life of the product.~~

~~(C) The label contains the symbol “Hg” in no less than ten-point font and in the same color as existing coloring on the lamp.~~

~~(2) Any package containing the lamp shall be labeled with, and any insert in the package containing the lamp shall include, the phrase, in a minimum 10-point font, “Hg-LAMP CONTAINS MERCURY, MANAGE IN ACCORD WITH DISPOSAL LAWS. See [www.lamprecycle.org](http://www.lamprecycle.org) or call 1-800-XXX-XXXX.”~~

*(b) (1) Except as provided in paragraph (2), a lamp is labeled for purposes of subdivision (a) if the lamp meets both of the following requirements:*

*(A) A label is affixed to the lamp that displays the internationally recognized symbol for the element mercury.*

*(B) The label on the lamp’s packaging includes all of the following:*

*(i) Clearly informs the purchaser that mercury is present in the item.*

*(ii) Explains that the fluorescent lamp should be disposed of according to applicable federal, state, and local laws.*

*(iii) Provides a toll-free telephone number, and a uniform resource locator Internet address to a Web site, that contains information on applicable disposal laws.*

*(2) If the label on a lamp complies with the labeling requirements of another state regarding the mercury in a fluorescent lamp, the label shall be deemed to meet the requirements of this section.*

*(c) The manufacturer of a lamp subject to subdivision (a) shall affix the label on the lamp that is required by ~~paragraph (1) of subdivision (b)~~, but if the label is not affixed in accordance with*

1 ~~that requirement, the wholesaler or retail seller shall affix the label~~  
2 ~~before selling the lamp.~~ *subdivision (b).*

3 *(d) The requirements of subparagraph (B) do not apply to a*  
4 *product that is sold with an installed lamp that is subject to the*  
5 *labeling requirements of subdivision (a).*

6 25214.13. No person may transport mercury-containing lamp  
7 waste out of the state, unless the waste is transported to a mercury  
8 recycling facility issued a permit pursuant to the federal act.

9 SEC. 2. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.

